

*Plm*UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2008 JUN 10 AM 9:40

UNITED STATES OF AMERICA,

Magistrate Case No.

Plaintiff,

'08 MJ 1802

KND

COMPLAINT FOR VIOLATION OF:

v.

Jorge HERNANDEZ-Palma

Title 8, U.S.C., Section 1326;
Deported Alien Found in the
United States

Defendant.

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)

The undersigned complainant, being duly sworn, states:

On or about, November 23, 2007, within the Southern District of California, defendant, Jorge HERNANDEZ-Palma, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
Immigration Enforcement Agent,
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 10th DAY OF June 2008.



UNITED STATES MAGISTRATE JUDGE

XW

PROBABLE CAUSE STATEMENT

On November 23, 2007, the defendant identified as Jorge HERNANDEZ-Palma was arrested by the Escondido Police Department for various state violations and booked into county jail. While in the custody of county jail, an Immigration Enforcement Agent determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Detainer" pending his release. On June 9, 2008, the defendant was referred to the custody of Immigration and Customs Enforcement (ICE). A Deportation Officer reviewed various sources of information and conducted official record checks confirming the defendant to be a citizen of Mexico having been previously removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was ordered removed from the United States by an Immigration Judge on or about December 21, 2006 and removed to Mexico via the San Ysidro Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Jorge HERNANDEZ-Palma a citizen and national of Mexico. A photograph and a fingerprint contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.